

AGENDA REQUEST
BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF SUGAR LAND, TEXAS

AGENDA OF: 10/12/04 DEPT OF ORIGIN: DEVELOPMENT SVCS. REQ. NO. IV A
DATE SUBMITTED: 10/07/04
ORIGINATOR: CHRIS B.WINEINGER, PLANNER

SUBJECT: CONDITIONAL USE PERMIT IN THE MIXED USE CONSERVATION (MUC) DISTRICT TO CONSTRUCT A RESIDENTIAL / COMMERCIAL STRUCTURE AND A RESIDENTIAL GARAGE

PROCEEDING: PUBLIC HEARING; DISCUSS AND DIRECTION

EXHIBITS: VICINITY MAP; APPLICATION; CORRESPONDENCE FROM APPLICANT INCLUDING CUP SITE PLAN AND ELEVATIONS

APPROVED FOR SUBMITTAL:

DOUGLAS P. SCHOMBURG, AICP, ASST. CITY PLANNER *DPS*

SABINE A. SOMERS-KUENZEL, AICP, CITY PLANNER *AK*

EXECUTIVE SUMMARY:

Mr. and Ms. Randall and Diana Miller are seeking to construct a two-story residential / commercial structure and residential two-story garage at 410 Brooks Street. The property, located on the west side of Brooks Street to the south of Guenther Street is within the Mixed Use Conservation (MUC) District, which requires a Conditional Use Permit (CUP) for the construction of any new building or building addition under Chapter 2, Article II, Section 2-166b of the Development Code. The applicants have submitted a plot plan sketch and building elevation drawings for the proposed construction. The project would require the removal of the original residence and garage currently located on the property. The applicants propose to use the new buildings as a residence and real estate office, classified as SIC Code No. 6531 (Real Estate), which is a permitted use by right in the MUC District.

PUBLIC HEARING:

The Notice of Public Hearing was published in a newspaper of general circulation, all property owners within 200 feet of the proposed site were notified, and the Public Hearing notice was published on the City of Sugar Land's Internet Home Page. A courtesy notification sign was placed on the property indicating that a Public Hearing would be held. Staff has received three informational inquiries regarding this request.

GENERAL SITE INFORMATION:

The following is a summary of general site information.

Adjacent Zoning	North: Mixed Use Conservation (MUC) South: Mixed Use Conservation (MUC) East: Restricted Single Family Residential (R-1R) West: Mixed Use Conservation (MUC) Site: Mixed Use Conservation (MUC)
Adjacent Land Use	North: Residential South: Residential East: Residential West: Vacant and Personal Care Facility to N.W. Site: Residential
Building Materials	The exterior of the house and garage are proposed to be Hardi-Plank siding.

DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:

Section 2-22. Standard of Review

In reviewing the application, the Commission and Council will consider the impact the proposed buildings will have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the buildings would be a compatible and appropriate.

Section 2-23. Conditions

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed buildings. The conditions must be specific in the ordinance approving the permit.

ANALYSIS:

The Mixed Use Conservation (MUC) District is intended to preserve the local heritage by protecting the visual character of the existing residential and non-residential uses within the district. The intent is also to promote development or redevelopment that is substantially consistent and compatible with the character and physical appearance of the existing mixed-use neighborhood. To ensure compatibility with the existing character of the district, a conditional use permit is required for the construction of any new building in the district. The District was created in 1997 and originally required a CUP for any of the commercial uses listed in MUC category in the Development Code. In 1999, the district regulations were amended with the provision as stated above, requiring a CUP for the construction of a new building. Since the 1999 amendments, there has been one Conditional Use Permit granted for a new building (residence at 318 Brooks in 2001). On September 23, 2004, the Planning and Zoning Commission reviewed and recommended approval of a new residential garage at 302 Brooks Street and the case is scheduled for a Public Hearing and 1st Reading at City Council on November 1, 2004.

Background Information on CUP Request:

The COSL Planning Division received contact during the summer of 2004 by the applicants regarding a proposal to demolish the existing structures and construct new buildings at 410 Brooks Street. The Development Services Director requested that staff examine MUC District records and conduct field investigation regarding buildings in the district in order to advise the potential applicant regarding their proposal. Based on information gathered, the Planning Division communicated our opinion that the proposed two-story construction lacked compatibility with the MUC District, which primarily consists of brick or siding clad single-story structures. The applicants were told that a CUP request for such a structure would be unlikely to be supported by Planning. A CUP request was submitted on August 23, 2004, approximately three months after contact with the applicants. A Conditional Use Permit (CUP) in the MUC district requires that the applicant submit proposed building site plan sketch, building elevations, and other details of construction as necessary to determine compatibility. The applicant has submitted a site plan and exterior elevations that are attached. Both the proposed residential / commercial structure and garage are two-story. Now that we have received an application, we will continue to analyze the request to make an ultimate recommendation to the Commission. Our recommendation will be forwarded to the Commission during Consideration and Action on a recommendation. Prior to that meeting, Staff will review the application, materials and conduct further field investigations.

Land Use Plan:

One of the attachments to the application makes reference to a future “formal redevelopment plan” for additional lots in the area. At this time, the Planning Staff is not in receipt of a request to change the MUC ordinance provisions. However, it appears that this CUP request may be part of a larger plan that emphasizes

redevelopment rather than preservation. Currently, the intent of the district is to protect the existing visual character, promoting proposals that are consistent with the existing character of the rest of the district. The emphasis is on preservation, not redevelopment.

During review of the Land Use Plan, we requested public input and Commission direction for the MUC area. During that time, we questioned whether there was an interest to either a) become more flexible with the commercial uses, or b) to strengthen the ordinance language to become more restrictive. All of the public input gathered thus far has indicated a preference to retain the ordinance as is. The Commission directed a thorough review of the history of the district and requested that a summary be added to the draft text so that there would be broad understanding of the intent of the district. The Commission also discussed a reluctance to revisit the ordinance provisions and has recommended no change to the regulations affecting the MUC. The Land Use Plan is tentatively scheduled for final Council adoption on November 2, 2004.

RECOMMENDED ACTION:

Hold a Public Hearing in accordance with Chapter Two of the City of Sugar Land Development Code. Review and discuss.

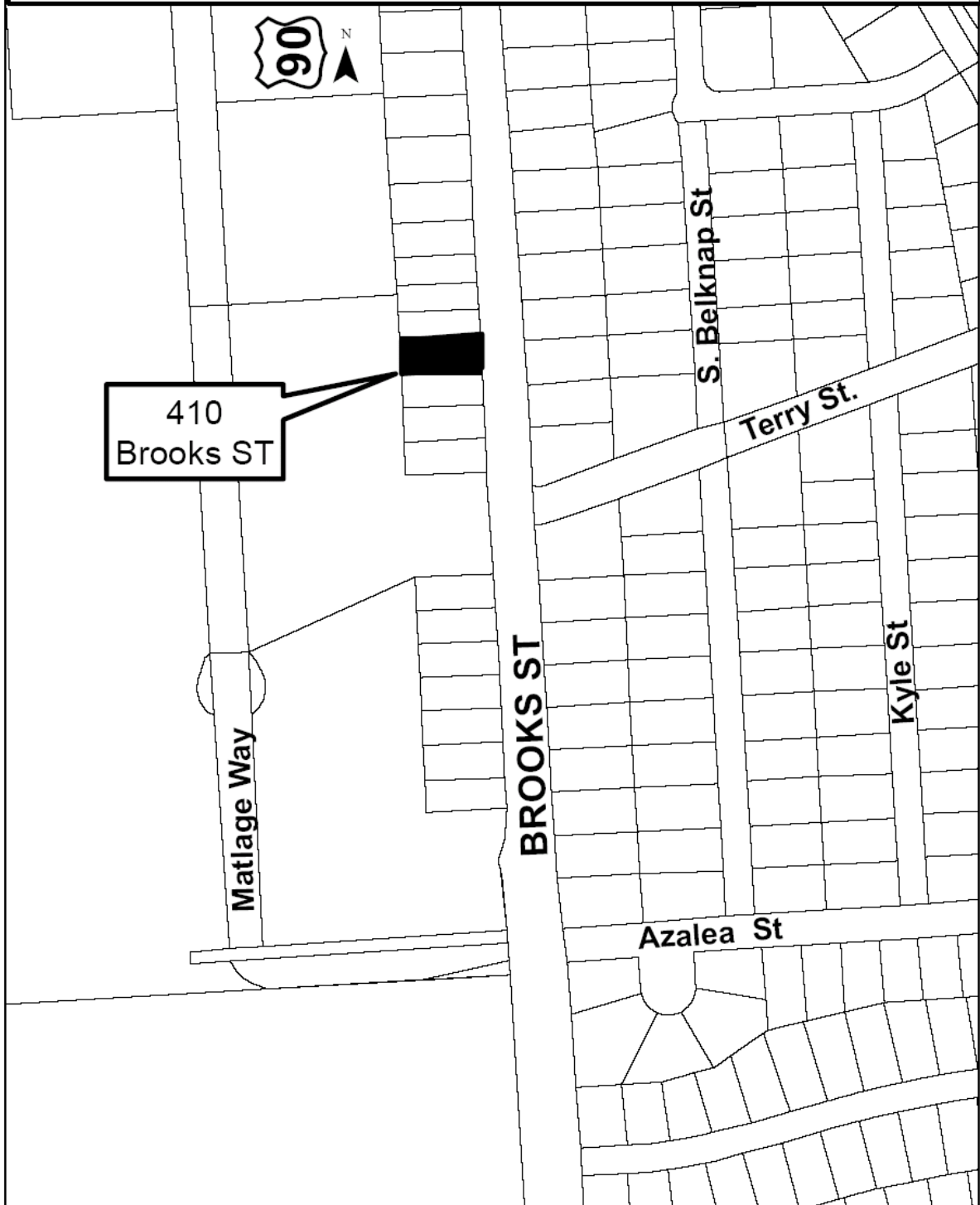
CC: Randall and Diana Miller

dmiller@realtor.com

File No.: P0002392



Vicinity Map



Existing Structures at 410 Brooks Street: Mixed Use Conservation District



Application:

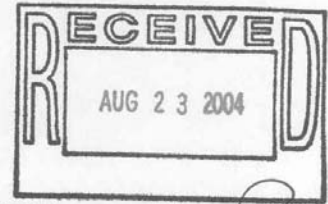


CITY OF SUGAR LAND

CURRENT PLANNING DIVISION

CONDITIONAL USE PERMIT OR REZONING APPLICATION

Please type or print the following information



Applicant

Contact Diana Miller, Randall Miller
Address 410 Brooks Street
Phone 713-724-3113 Fax 281-980-7640
Email dmiller@realtor.com

Owner

Contact Randall Miller
Address 3107 Royal Lytham Ct Sugarland, TX 77479
Phone 281-980-2491 Fax 281-980-7640
Email _____

Property Legal Description _____ See Attached ☒

Lot _____ Block _____ Subdivision _____

Current Zoning District MUC Proposed Zoning District, if applicable _____

If this is a CUP application: ☒ new building ☐ existing building

Proposed Use (CUP only) Residential and Real Estate Co
office - Business owners to occupy the residence

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.

X [Signature]
Signature of Applicant

8/16/04
Date

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- ☐ Three (3) copies of the completed application
- ☐ Check for \$400 (non-refundable)
- ☐ Metes and bounds of the site and county slide number of plat, if recorded
- ☐ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☐ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☐ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

S:\Public\DRCA\ADMIN\APPLICATIONS\Current CUP & Rezoning Application 2001

Correspondence from Applicant:



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From the Office of:

Diana Miller,
Owner/Broker
dmiller@realtor.com
713-724-3113 cell

19901 SW Freeway
Sugar Land, Tx 77479
281-980-3390 Office
281-980-7640 Fax

August 23, 2004

City of Sugar Land
Planning Division
P.O. Box 110
Sugar Land, Texas 77478

RE: New Construction Request
410 Brooks Street
MUC District



Enclosed are materials related to our request for a new residential structure to be built at 410 Brooks Street. We purchased the property in April of this year and have spent the past 3½ months investigating redevelopment options for this lot.

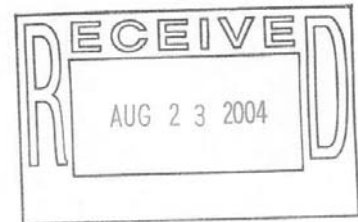
An inspection report of the existing structure is contained in the appendix. The structure has been allowed to deteriorate to the point that it is not economically feasible to make the repairs needed to place the structure in a safe and usable condition.

We are continuing efforts to possibly have the existing structure placed in a location where a true historical restoration could be performed and the structure made accessible to the public. We are willing to donate the home and assist in fund raising efforts for restoration. Copies of correspondence with Council Member Dennis Parmer, Mr. Bill Schwer of Imperial Sugar, and Mr. Michael Moore of the Fort Bend Museum Association are included in the appendix section of this request.

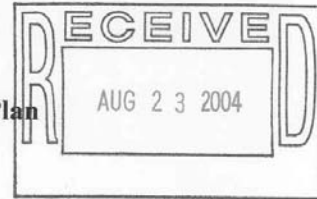
In addition, we have contacted all of the property owners in the MUC district in an effort to gain as much feedback on the proposed new construction project. The owners were contacted by mail twice and a meeting was held at the Sugar Land Community Center. A summary of our efforts is as follows:

Page 2:

Favor Redevelopment	6	406 Brooks
		410 Brooks
		414 Brooks
		418 Brooks
		426 Brooks
		518 Brooks
Oppose Redevelopment	4	206 Brooks
		214 Brooks
		314 Brooks
		402 Brooks
Expressed No Opinion	18	
Misc:		
Built new 2001		318 Brooks
House for sale to expand drive		430 Brooks – SL Bible Church



410 Brooks Street Redevelopment Plan



USE

The property will be occupied as a primary residence and used as a residential real estate office. The real estate company operation was previously located at 4881 Sweetwater Blvd in the Sweetwater Plaza shopping center and is now located in the Tower Executive Suites.

CHARACTER

The proposed structure is a two-story home indicative of the 1920 architectural style that was common in the greater Houston area. This style was selected in order to blend with the current character of the neighborhood while allowing for a two-story structure that would accommodate a residence on the second floor and business on the first floor.



Building Materials

The home will be constructed of hardi plank siding in order to maintain the style of the 1920 period. The siding product will blend with the majority of the homes on Brooks Street based on a survey of the homes that revealed the following:

- 38% Brick
- 9% Primary siding with minimal brick trim
- 53% Siding

Houston Heights homes built in 1920. Combination of Bungalow style homes similar to current style found on Brooks Street and two-story structures similar to proposed building.



THE BUILDER

The builder who will build the home is Houston's largest custom homebuilder, Design Tech homes. Design Tech was selected as the builder because of their expertise in constructing homes of this period. The builder recently designed and built an enclave of historic Texas replicas in the Woodlands. The homes were listed in the million-dollar range. Because the home will be used as an office, the builder is working with us to create a very high quality "model home" appearance.

BUSINESS OPERATIONS

There are currently two other real estate firms operating on Brooks Street. The business will operated 6 days per week, Tuesday through Sunday with the following hours

Tuesday through Saturday 10am to 7pm
Sunday 1pm to 5pm

The business has been in operation since 2001 and averages 2-5 clients in the office per week. The company currently has no other employees other than the principal, Diana Miller. If additional agents are hired by the business, the number allowed to work from this facility would be limited to three at any one time.

PARKING & TRAFFIC

The business does not generate a substantial amount of traffic and should have no negative impact.

An accessory building housing a three-car garage with a media room/office on the second floor is proposed for the back area of the lot.

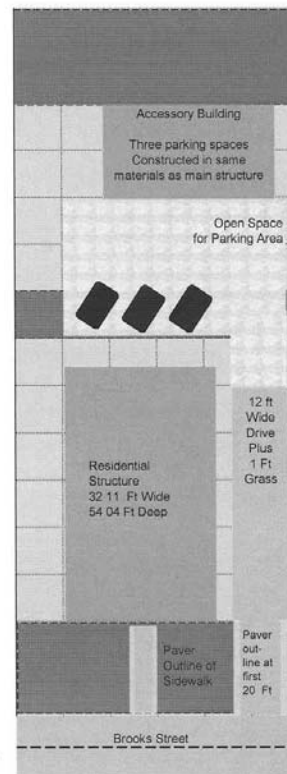
Additional open parking would be located between the Residential structure and the garage providing ample parking. A total of six parking spaces would be available in the garage and open parking area.

LOT COVERAGE

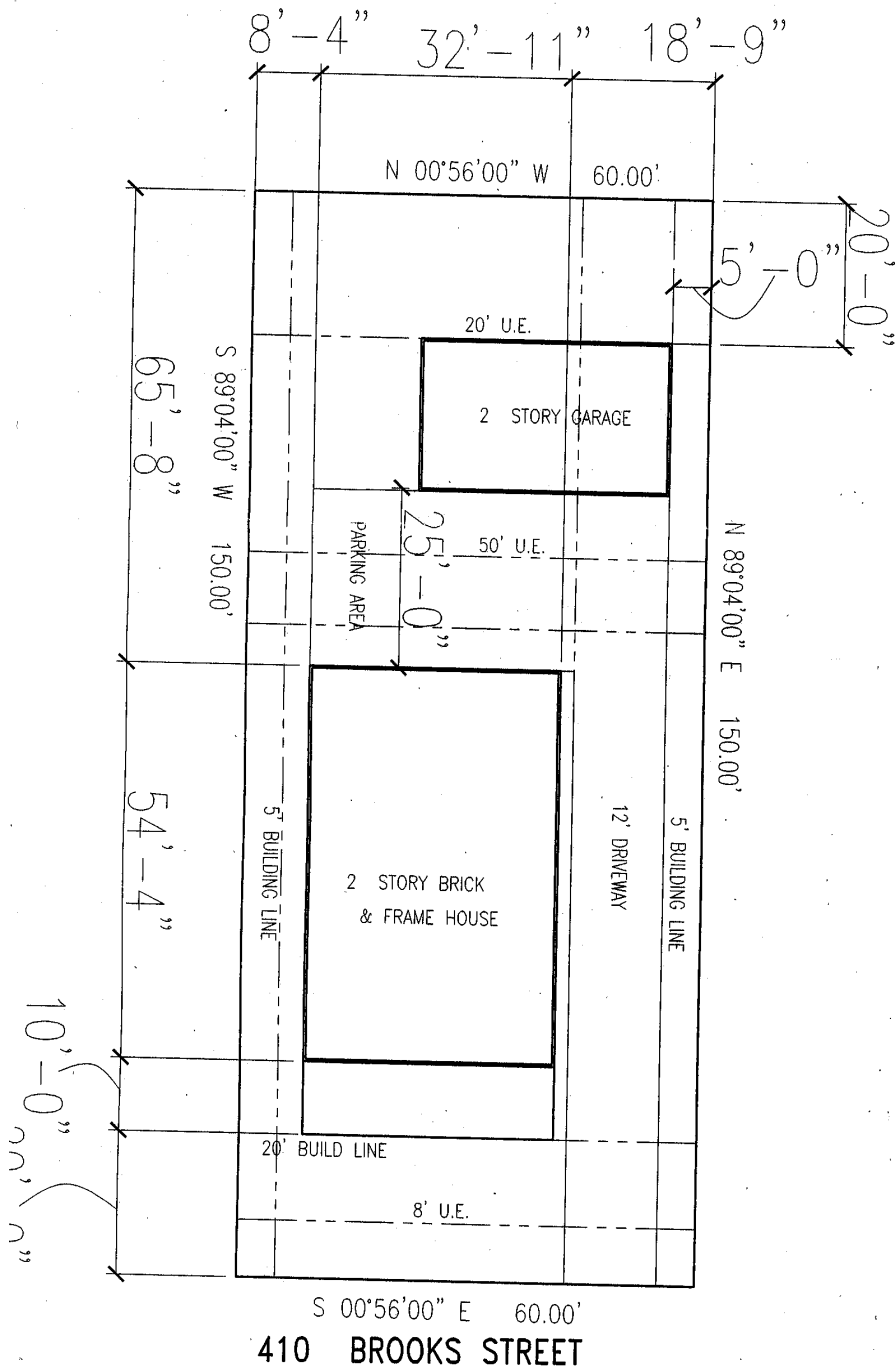
The proposed home and accessory building cover approximately 30% of the lot. There are currently two other properties located on Brooks in the MUC that contain structures that cover a greater area than this proposal. County tax records for comparable structures are contained in the Appendix.

HEIGHT

The height of the main building and accessory building are 27'



CUP Site Plan Sketch for Proposed Construction:



Rendering of the Proposed Structure:

410 Brooks Street
Proposed Look

